

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

DOUGLAS HANDSHOE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:15-cv-00382-HSO-JCG

VAUGHN PERRET, *et al.*

DEFENDANTS

RULE 16(a) INITIAL ORDER

The above captioned cause is set for a **TELEPHONIC CASE MANAGEMENT CONFERENCE (TCMC)** on **October 30, 2017 at 10:00 a.m. (CDT)** before:

U.S. Magistrate Judge John C. Gargiulo
2012 15th Street, Suite 672
Gulfport, MS 39501

Telephone Number to use for Conference:
(877) 336-1829 (Access Code: 5650398)

Gargiulo_Chambers@mssd.uscourts.gov

Parties are instructed to call into the Telephonic Case Management Conference using the number provided above on the date and time specified.

No later than twenty one (21) days prior to the TCMC, parties shall confer regarding all matters set forth in Local Rule 26(e).

No later than fourteen (14) days after the parties confer, seven (7) days prior to the TCMC, **Parties shall submit a proposed case management order (pdf format) to the judge only.** This submission shall **not** be filed with the Clerk of Court. By the same deadline, **Parties shall also submit a Confidential Memorandum (pdf format) (3 page maximum) setting forth a brief explanation of the case, and a candid appraisal of the respective positions, including possible settlement figures to** *Gargiulo_Chambers@mssd.uscourts.gov*. Parties will also furnish in their memorandum a good faith estimate of the expense of carrying the litigation through trial and the appellate process, if not settled, and will have discussed these costs with their respective clients. These memoranda are **not** to be exchanged and will be viewed only by the Court. Further, these memoranda shall **not** be filed with the Clerk of Court. Do **not** mail a separate copy.

THE FAILURE OF ANY PARTY TO TIMELY SUBMIT THE PROPOSED CASE MANAGEMENT ORDER AND CONFIDENTIAL MEMORANDA SHALL REQUIRE ATTENDANCE IN PERSON BY ALL DEFAULTING PARTIES AT THE CASE MANAGEMENT CONFERENCE. ALL PARTIES OF RECORD FOR THE DEFAULTING PARTY SHALL BE REQUIRED TO ATTEND AND THE CONFERENCE SHALL NOT BE SUBJECT TO RESCHEDULING. SANCTIONS WILL BE IMPOSED AT THE CONFERENCE.

At the case management conference, the Court and the parties shall:

1. Identify the principal factual and legal issues in dispute;
2. Identify the alternative dispute resolution procedure which counsel intend to use, or report specifically why no such procedure would assist in the resolution of the case;
3. Indicate whether all parties consent to jurisdiction by a magistrate judge;
4. Review the parties' compliance with their disclosure obligations and consider whether to order additional disclosures;
5. Determine whether to order early filing of any motions that might significantly affect the scope of discovery or other aspects of the litigation, and provide for the staged resolution, or bifurcation of issues for trial consistent with 42(b) Fed.R.Civ.P.;
6. Determine the plan for at least the first stage of discovery; impose limitations on each discovery tool, time periods and other appropriate matters;
7. Discuss the timing for the Rule 16(g) settlement conference;
8. Discuss scheduling and set appropriate scheduling deadlines including dates for settlement conference, completion of discovery, motions, final pretrial conference and trial. The parties should be prepared to discuss prior conflicts with the trial date.
9. Verify that counsel are registered for electronic document filing and are familiar with the Administrative Procedures for Electronic Filing.

A case management order shall be entered by the Court within ten (10) days of the conference. The parties **shall not** complete the scheduling deadlines section until the TCMC. **A Uniform Case Management Order form and case management time lines have been developed and are available on the Court's website at *www.mssd.uscourts.gov* and as Form No. 1 in the revised Uniform Local Rules, effective December 1, 2016.** Parties shall use that format in discussions and preparation. The Uniform Local Rules are also available on the Court's website.

Date: September 21, 2017

s/ *John C. Gargiulo*
JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE